



**ADMINISTRATIVE OFFICE OF THE COURTS
NORTH CAROLINA JUDICIAL CENTER**

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MEMORANDUM

(via E-Mail)

TO: Clerks of Superior Court
Magistrates (by copy from the Clerk)
Superior Court Judges
District Court Judges
District Attorneys
Public Defenders

FROM: Peter E. Powell, Legal Counsel
Pamela W. Best, Deputy Legal Counsel
Jo McCants, Associate Legal Counsel
Matt Osborne, Associate Legal Counsel
Troy Page, Associate Legal Counsel
Mariah West, Associate Legal Counsel

DATE: July 18, 2008

RE: Legislative Increases in Court Costs and Fees
EFFECTIVE July 20, 2008, unless otherwise noted.

The General Assembly has passed new legislation affecting court costs.¹ Attached is a costs and fees chart reflecting all new and updated costs and fees.

The 2008 budget bill ([House Bill 2436, S.L. 2008-107](#)) includes fee changes that take effect on **July 20, 2008**, unless otherwise noted on the attached charts. All changed fees **must** be collected on all filings on or after July 20, 2008, unless otherwise noted. Cost and fee increases affect filings in civil, criminal, estates, and special proceedings.

Bill of Costs forms are available electronically, and will be updated overnight and available on Monday, July 21, 2008. The forms will be available in TAO-GUI/Conferences/AOC_Forms_Memos in the criminal PDF, civil PDF, estate PDF and

¹ We respectfully request that clerks' offices provide a copy of this memorandum to all magistrates, local law enforcement agencies, and appropriate personnel in your offices. If you have any questions, please contact AOC's Court Services Analyst (CSA) or Financial Management Analyst (FMA) for your county.

special proceedings PDF forms directories. The PDF versions will be available also on the AOC's web site at www.nccourts.org.

FMS and Cash Receipting will be updated overnight when the new and increased fees take effect. New account numbers will be posted in the FMS Message Center at the appropriate time. The **eCitation** program will be updated so that the citation generated contains the appropriate costs and fees. **VCAP** is being updated to account for new and increased costs in CV cases; any additional instructions, if needed, will be distributed by the VCAP team. Update instructions for **CourtFlow** have been distributed via TAO e-mail. Specific cost or fee changes are discussed below.

- **Divorce Filing Fee.** The filing fee in an action for absolute divorce is increased from \$55.00 to \$75.00 (seventy-five dollars). The additional \$20.00 (to be credited to the Domestic Violence Center Fund) will be recorded under a separate account code in FMS and grouped under the current related code for divorce filings (in addition to the \$55.00 already credited to the North Carolina Fund for Displaced Homemakers).
- **Judicial Facilities/Phone Systems Fee (New).** A \$1.00 (one dollar) fee is added to the criminal, civil, estates and special proceedings costs. This fee is separate from and in addition to other itemized fees, and will be credited to the Court Information Technology Fund for the maintenance and operation of judicial branch phone systems. The phone fee is to be included for all costs assessed or collected on or after July 20, 2008, except for criminal costs on waived citations when the citation was issued before that date. As with last year's budget bill, if a citation is issued prior to July 20th but the defendant waives the right to trial and pays the fine and costs after that date, the costs assessed are the lesser of either the statutory costs or the costs specified on the citation.

In addition to the new cost provisions described above, one provision from 2007 bears mentioning due to questions we have received about its application.

- **Advancement of Costs and Fees.** Last year, the 2007 budget act ([S.L. 2007-323](#)) amended G.S. 7A-317 to remove counties' and municipalities' exemption from advancing most court costs, effective July 1, 2008. In [Senate Bill 2056](#), ratified on July 17, 2008, the General Assembly restored most of the exemption, effective the same date. This restores the existing practice that counties and cities will not be required to advance the facilities fees, General Court of Justice fees, or process fees under G.S. 7A-311. However, the bill amends G.S. 7A-317(3) to limit the exemption for advancement of fees under G.S. 7A-308 (miscellaneous fees) only for filings in cases involving child support, child abuse, or "other actions filed by the department of social services." Other miscellaneous fees under G.S. 7A-308 must be advanced.

cc: Judge Ralph Walker, Director
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Field Support, Court Services Division
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/Attachments (Court Costs and Fees Chart)